

Application Serial No. 09/684,383
Amendment dated 16 April 2004
Reply to Office Action dated 16 January 2004

REMARKS

Claim 24 has been amended to specify that the DNA molecule of part (d) hybridizes to a complement of the DNA molecules of (a) or (b) and to clarify that it is the DNA molecule of part (d) which encodes the specified protein. Claims 25 and 29 have been amended to write them in independent form.

It is submitted that none of these amendments constitute new matter, and their entry is requested.

The Examiner has rejected claims 24, 26-28 and 30-34 under 35 U.S.C. § 112, first paragraph for lack of enablement because the DNA molecule of part (d) as written is the complement of the DNA specified in (a) or (b) and the specification does not disclose what proteins one would reasonably expect to obtain from such a DNA molecule. Claim 24 has been amended so that the DNA molecule of part (d) hybridizes to a complement of the DNA specified in (a) or (b) and to make it clear that it is this DNA molecule of part (d) which encodes the specified protein. The specification fully enables the DNA molecule set forth in part (d) of claim 24 and the protein encoded by this DNA molecule. Thus, it is submitted that the amendment to claim 24 obviates this enablement rejection of claims 24, 26-28 and 30-34. Withdrawal of this rejection is requested.

The Examiner has rejected claims 24, 26-28 and 30-34 under 35 U.S.C. § 112, second paragraph for being indefinite. Claim 24 has been amended as suggested by the Examiner so that the DNA molecule of part (d) hybridizes to a complement of the DNA specified in (a) or (b) and to make it clear that it is this DNA molecule of part (d) which encodes the specified protein. It is submitted that the amendment to claim 24 obviates this indefiniteness rejection of claims 24, 26-28 and 30-34. Withdrawal of this rejection is requested.

Applicants note that claims 25 and 29 have been rewritten in independent form. It is submitted that claims 25, 29 and 35-43 are allowable, because the objection to these claims as depending from a rejected base has been obviated.


In view of the above amendments and remarks, in conjunction with the remarks made in the previous amendment, it is believed that the claims satisfy the requirements of the patent statutes and

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are patentable over the prior art. Reconsideration of the instant application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

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